

Sec. 54.066. ECONOMIC DEVELOPMENT AND DIVERSIFICATION. (a) A person who registers at an institution of higher education without having established resident status in this state under Section 54.052 is entitled to pay tuition and required fees at the rate provided for residents of this state if:

(1) the person or, as determined by coordinating board rule, an adult member of the person's family who resides in the person's household and is a primary caretaker of the person establishes by the institution's enrollment date a residence in this state as a result of the person's or caretaker's employment by a business or organization that, *not earlier than five years before the enrollment date*, became established in this state as part of the program of state economic development and diversification authorized by the law of this state; and

(2) the person files with that institution of higher education a letter of intent to establish residency in this state.

(b) *The Texas Higher Education Coordinating Board, in consultation with the Texas Economic Development and Tourism Office, shall establish procedures to determine:*

(1) whether a business or organization meets the requirements of this section; and

(2) the date on which the business or organization became established in this state as part of the program of state economic development and diversification.

SECTION 2. The change in law made by this Act to Section 54.066, Education Code, applies beginning with tuition and required fees for the fall 2010 semester. Tuition and fees for a semester or other academic term before that semester are covered by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect January 1, 2010.

Passed the Senate on April 24, 2009: Yeas 30, Nays 0; passed the House on May 26, 2009: Yeas 140, Nays 5, two present not voting.

Approved June 19, 2009.

Effective January 1, 2010.

CHAPTER 574

S.B. No. 2312

AN ACT

relating to eligibility for funds from the water infrastructure fund from the Texas Water Development Board.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subdivision (1), Section 15.971, Water Code, is amended to read as follows:

(1) "Eligible political subdivision" means *a city, county, district, or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, including a groundwater district with a groundwater management plan certified by the board under Section 36.1072, any other political subdivision of the state, any interstate compact commission to which the state is a party, and any nonprofit water supply corporation created and operating under Chapter 67*;

~~[(A) a municipality;~~

~~[(B) a county;~~

~~[(C) a river authority or special law district that is listed in Section 9.010(b);~~

~~[(D) a water improvement district;~~

~~[(E) an irrigation district;~~

~~[(F) a water control and improvement district; and~~

~~[(G) a groundwater district with a groundwater management plan certified by the board under Section 36.1072].~~

SECTION 2. This Act takes effect September 1, 2009.

Passed the Senate on April 23, 2009: Yeas 30, Nays 0; passed the House on May 26, 2009: Yeas 145, Nays 0, one present not voting.

Approved June 19, 2009.

Effective September 1, 2009.

CHAPTER 575

S.B. No. 2344

AN ACT

relating to examination requirements in certain guardianship matters concerning persons with mental retardation.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 687, Texas Probate Code, is amended to read as follows:

Sec. 687. EXAMINATIONS AND REPORTS. (a) *Except as provided by Subsection (c) of this section, the [The] court may not grant an application to create a guardianship for an incapacitated person, other than a minor[~~, person whose alleged incapacity is mental retardation,~~] or person for whom it is necessary to have a guardian appointed only to receive funds from a governmental source, unless the applicant presents to the court a written letter or certificate from a physician licensed in this state that is dated not earlier than the 120th day before the date of the filing of the application and based on an examination the physician performed not earlier than the 120th day before the date of the filing of the application. The letter or certificate must:*

(1) describe the nature, [and] degree, and severity of incapacity, including functional deficits, if any, regarding the proposed ward's ability to:

(A) handle business and managerial matters;

(B) manage financial matters;

(C) operate a motor vehicle;

(D) make personal decisions regarding residence, voting, and marriage; and

(E) consent to medical, dental, psychological, or psychiatric treatment [the medical history if reasonably available];

(2) provide an evaluation of the proposed ward's physical condition and mental function and summarize the proposed ward's medical history if reasonably available [a medical prognosis specifying the estimated severity of the incapacity];

(3) state how or in what manner the proposed ward's ability to make or communicate responsible decisions concerning himself or herself is affected by the person's physical or mental health, including the proposed ward's ability to:

(A) understand or communicate;

(B) recognize familiar objects and individuals;

(C) perform simple calculations;

(D) reason logically; and

(E) administer to daily life activities;

(4) state whether any current medication affects the demeanor of the proposed ward or the proposed ward's ability to participate fully in a court proceeding;

(5) describe the precise physical and mental conditions underlying a diagnosis of a mental disability, and state whether the proposed ward would benefit from supports and